

**ASSEMBLY BILL**

**No. 896**

**Introduced by Assembly Member Matthews**

February 18, 2005

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An act to amend Section 4052.1 of, and to add Section 1209.2 to, the Business and Professions Code, relating to pharmacists.

LEGISLATIVE COUNSEL'S DIGEST

AB 896, as introduced, Matthews. Clinical laboratories.

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Under that law, a pharmacist is authorized to perform skin puncture in the course of routine patient assessment procedures or specified clinical laboratory testing. Existing law providing for the licensure and regulation of clinical laboratories and their personnel by the State Department of Health Services, requires that these functions be performed under the supervision of a laboratory director, as defined. Under existing law, a violation of the provisions regulating clinical laboratories and their personnel is a crime.

This bill would authorize a pharmacist to serve as a laboratory director of a clinical laboratory that provides routine patient assessment procedures, as defined, under specified conditions.

Because a pharmacist acting in this capacity without satisfying the designated criteria would violate the provisions regulating clinical laboratories, and would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1209.2 is added to the Business and  
2 Professions Code, to read:

3 1209.2. Notwithstanding any other provision of law, a  
4 pharmacist may serve as a laboratory director, as described in  
5 Section 1209, in a clinical laboratory that provides routine patient  
6 assessment procedures, as defined in Section 4052.1, if both of  
7 the following conditions are satisfied:

8 (a) The pharmacist has completed a training program on the  
9 duties and responsibilities of a laboratory director for a clinical  
10 laboratory performing tests classified as “waived” under CLIA.

11 (b) The clinical laboratory possesses a certificate of waiver  
12 under CLIA.

13 SEC. 2. Section 4052.1 of the Business and Professions Code  
14 is amended to read:

15 4052.1. (a) Notwithstanding Section 2038 or any other  
16 provision of law, a pharmacist may perform skin puncture in the  
17 course of performing routine patient assessment procedures or in  
18 the course of performing any procedure authorized under Section  
19 1206.5. For purposes of this section, “routine patient assessment  
20 procedures” means *either of the following*: ~~(a) procedures~~

21 *(1) Procedures* that a patient could, with or without a  
22 prescription, perform for himself or herself, ~~or (b) clinical~~.

23 *(2) Clinical* laboratory tests that are classified as waived  
24 pursuant to the federal Clinical Laboratory Improvement  
25 Amendments of 1988 (42 U.S.C. Sec. 263a) and the regulations  
26 adopted thereunder by the federal ~~Health Care~~  
27 ~~Financing Administration~~ *Centers for Medicare and Medicaid*  
28 *Services*, as authorized by paragraph (11) of subdivision (a) of  
29 Section 1206.5. ~~A~~

30 *(b) A* pharmacist performing these functions shall report the  
31 results obtained from a test to the patient and any physician  
32 designated by the patient. ~~Any~~

1     (c) A pharmacist who performs the service authorized by this  
2 section shall not be in violation of Section 2052.

3     SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the  
8 penalty for a crime or infraction, within the meaning of Section  
9 17556 of the Government Code, or changes the definition of a  
10 crime within the meaning of Section 6 of Article XIII B of the  
11 California Constitution.